IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE NINTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 22721 of 2004

Between:

K.L. Narasimha Rao,

S/o.K.L. Narayana
R/o.13, Rajesh Apartment,

Giripuram, Tirupathi.

..... PETITIONER

AND

The Registrar,

Sri Venkateswara University,

Tirupathi, Chittoor District.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an writ, order or direction, more particularly one in the nature of writ of Mandamus declaring the action of the respondent as arbitrary, illegal and unconstitutional in committing culpable delay in settlement and disbursement of petitioner's retirement and pensionary benefits without paying any interest and consequently direct the respondent to pay interest and consequently direct the respondent to pay interest @ 24% per annum over the delayed payment along with compensation and to pass such other orders as may be deemed fit.

Counsel for the Petitioner: MR.CH.RAVINDRA BABU

Counsel for the Respondent: MR.P.SREE RAMULU NAIDU

The Court at the admission stage, made the following:

HONOURABLE SRI JUSTICE K.C.BHANU

WRIT PETITION No. 22721 Of 2004

ORDER:

For the action of the respondents in committing culpable delay in settlement and disbursement of petitioner's retirement and pensionary benefits without paying any interest and for consequential direction to the respondent to pay the interest at the rate of 24% per annum over the delayed payment along with compensation, the present writ petition is filed.

2. The factual matrix is not in dispute. It is stated in the affidavit filed by the petitioner that the delay in not sanctioning the pension and retirement benefits is only on the part of the respondent-University, as such the petitioner is entitled for the interest on the pensionary benefits and in view of the delay in sanctioning retirement benefits, he is also entitled for the compensation.

3. As seen from the material papers filed by the petitioner himself, it is clear that he has not submitted any reasons for the delay caused by the respondent-University. The questions, as to whether there is any delay on the part of the petitioner in not applying to any pension papers and whether there is any delay on the part of the respondent-University in not granting the retirement benefits to the petitioner, are required to be gone into by adducing necessary evidence in different forum. But the same cannot be decided by this Court by exercising the discretionary power under Article 226 of the Constitution of India.

4. Accordingly, without going into the merits of the case, the writ petition is disposed of with a direction to the petitioner to seek appropriate remedies before appropriate forum. In the circumstances, there shall be no order as to costs.

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December 9, 2004

Kvr

To

1. The Registrar,
   Sri Venkateswara University,
   Tirupathi, Chittoor District.

2. Two C.D copies.